

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

KANAL V. GASTON,

Plaintiff,

v.

FACEBOOK, INC., et al.,

Defendants.

No. 3:12-cv-00063-ST

OPINION AND ORDER

MOSMAN, J.,

On April 20, 2012, Magistrate Judge Stewart issued her Findings and Recommendation (“F&R”) [11] in the above-captioned case, recommending that I dismiss this case with prejudice due to plaintiff’s failure to timely file an amended complaint. No objections were filed.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are

addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Stewart's recommendation and I ADOPT the F&R [11] as my own order.

IT IS SO ORDERED.

DATED this 9th day of May, 2012.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Court